



APPLICATION FOR SUSPENDED AQUACULTURE IN THE STATE OF MAINE

The following application is required by the State of Maine Department of Marine Resources (MDMR) for a suspended aquaculture lease.

State of Maine Department of Marine Resources, MDMR
(M.S.R.A. Title 12, Subchapter II, § 6072, Research and Aquaculture Leases).

AS AN APPLICANT, YOU ARE ENCOURAGED TO SEEK ASSISTANCE FROM THE DEPARTMENT WITH ANY QUESTIONS OR CONCERNS YOU MAY HAVE WITH THIS PROCESS. CALL THE AQUACULTURE ENVIRONMENTAL COORDINATOR, JON LEWIS, AT 207-633-9500.

Following the MDMR application are supplemental requirements and procedures which are part of a joint Federal and State of Maine effort to facilitate the processing of applications for suspended aquaculture permits. Permitting agencies covered by the supplemental application requirements and procedures are:

U.S. Army Corps of Engineers New England Division, ACOE
(Section 10 of the Rivers and Harbors Act of 1899);

State of Maine Department of Environmental Protection, MDEP
(M.S.R.A. Title 38 Article 4-A, Water Classification Program).

The Maine Department of Marine Resources requires a **non-refundable** fee for aquaculture applications based on acreage:

Less than 1 acre	1 to 10 acres	11 to 50 acres	51 to 150 acres
\$ 100	\$ 250	\$ 500	\$ 1000

Please read all instructions before completing. Applications must be typed and **reproducible**. Please use 8 1/2" x 11" paper with a 3/4" margin at the top; use the numbering system listed for each item requested. All drawings, charts and plans must adequately show the proposed project. It is recommended that any plans, drafts, charts, etc., be certified by a professional engineer.

Mailing Instructions:

Provide one copy of your application to the Maine Department of Marine Resources (MDMR), address listed below. The applicant shall be notified upon receipt when the application has been reviewed and accepted as complete by the MDMR.

DEPARTMENT OF MARINE RESOURCES
ATTN: Mary Costigan, Aquaculture Administrator
P.O. Box 8
West Boothbay Harbor, Maine 04575

Provide one copy of your application for the Maine Department of Marine Resources, **a completed U.S. Army Corps of Engineers application form [ENG Form 4345 (attached)]**, the U.S. Army Corps of Engineers Supplemental Information, and U.S. Environmental Protection Agency Supplemental Information to the U.S. Army Corps of Engineers New England Division, address listed:

U.S. ARMY CORPS OF ENGINEERS
MAINE PROJECT OFFICE
ATTN: Aquaculture Coordinator
RR 2, Box 1855
MANCHESTER ME 04351



APPLICATION FOR SUSPENDED AQUACULTURE IN THE STATE OF MAINE

State of Maine Department of Marine Resources, MDMR

A. REQUIREMENTS AND RESTRICTIONS

1. Aquaculture leases generally must not be closer than 1/4 mile from eagle nests or Essential Habitats as regulated by Maine Department of Inland Fish & Wildlife (MDIF&W) under authority of the Maine State Endangered Species Act and in accordance with guidelines of other endangered and threatened species developed by MDIF&W. MDIF&W Essential Habitat Maps are available **for review** at the following offices: MDIF&W Regional Offices, county government, Registrar of Deeds offices, affected town offices, Regional Planning Commission offices and many state agencies. Maine State Endangered Species Act 1975, 12 M.R.S.A. §7751 et seq.
2. An adjudicatory aquaculture lease hearing is a requirement for all applicants under the MDMR Aquaculture Lease Regulations except for Lease-by-rule. MDMR 12 M.R.S.A. §6072(6)and(16). The applicant shall give at least 2 weeks notice of the hearing by publication of an advertisement in a newspaper of general circulation that serves the area in which or adjacent to which the lease is proposed. The advertisement must state, at a minimum, the location, date, time, and purpose of the hearing and must indicate how a copy of the application and the department site review may be obtained (Sec. 2. M.R.S.A. §6072, sub-§6, ¶D)

The applicant **must** bring a copy of the public notice to the public hearing and present it to the Hearings Officer.
3. Lease requirements; finfish and **suspended** culture. Except as provided in paragraphs A, B and B-1, it is unlawful for a person who does not have a lease issued by the commissioner under this section to construct or operate in the coastal waters of the State a facility for the culture of finfish in net, pens or other enclosures or for the suspended culture of any other marine organism. MDMR 12 M.R.S.A. §6072(1-A).

4. Restrictions: review MDEP Water Classification Program for restricted areas as described in 38 M.R.S.A. Article 4-A.

B. UPON ISSUANCE OF A PERMIT THE FOLLOWING CONDITIONS WILL APPLY.

1. The Commissioner may commence revocation procedures if he determines that substantial aquaculture has not been conducted within the preceding year or that the lease activities are substantially injurious to marine organisms. If any of the conditions or requirements on a lease or law are not being observed, the Commissioner may revoke the aquaculture lease MDMR 12 M.R.S.A. §6072(11).

C. APPLICATION INFORMATION REQUIREMENTS

Answer all questions under each Section as completely as possible.

This application includes questions on general information, site location, site development, operation, baseline field survey, area resources, surrounding area use, technical capabilities, financial capabilities, and a list of certifications, licenses, etc.

Definitions from the MDMR Aquaculture Lease Regulations:

Aquaculture: The culture or husbandry of marine organisms by any person. Storage or any other form of impounding or holding wild marine organisms, without more, shall not qualify as aquaculture. In order to qualify as aquaculture, a project must involve affirmative action by the lessee to improve the growth rate or quality of the marine organism.

Culture or Husbandry: The production, development or improvement of a marine organism.

Riparian Owner: A shorefront property owner whose property boundaries are within 1000 feet of the proposed lease boundaries.

Existing or Potential Uses: All water-related activities and resources including, but not limited to, commercial and recreation fisheries, marine transportation, aquaculture, and boating.

Adverse Effects: Impediments to water-related activities or unreasonable interference with natural processes supporting those activities. This includes, but is not limited to, floating or submerged obstruction, habitat destruction, natural flora and fauna displacement, current flow alteration, and lowered water quality.

1. GENERAL INFORMATION

Please read all instructions before completing. Applications must be typed and **reproducible**. Please use 8 1/2" x 11" paper with a 3/4" margin at the top; **use the numbering system listed for each item requested**. All drawings, charts and plans must adequately show the proposed project. It is recommended that any plans, drafts, charts, etc., be certified by a professional engineer.

- a. Date

- b. Name of Applicant, Address, County, Telephone (business and home).
- c. Written location of site, include town and county.
- d. Total acreage.
- e. Amount of application fee enclosed.
- f. Length of Lease Term requested. (MDMR grants leases up to 10 years.)
- g. Name of species to be cultivated, common and scientific names.
- h. List the name and address of the source of seed stock, juveniles, smolts, etc., to be cultivated.

2. SITE LOCATION

a. **Vicinity Map**

Use a NOAA chart or USGS Topographic map to show the waters and shorelands within the general vicinity of the lease tracts depicting the lease area.

b. **Plan View**

An enlargement of a NOAA chart or USGS Topographic map is suggested to provide this information. Exact location of lease described as follows:

- 1. Mark entire lease boundary.
- 2. Show depth contours and indicate mean low water and mean high water on all land adjacent or nearest site.
- 3. Show primary ebb and flood directions.
- 4. Mark true north with arrow.
- 5. Include scale used.
- 6a. Label the location of Federal projects, navigational channels, any structures, existing aquaculture leases within 2000 feet or parks within 1000 feet.

Also provide:

- 7. The latitude, longitude and State Plane Coordinates for each corner of the entire lease.
- 8. The metes and bounds of lease.

3. SITE DEVELOPMENT

This section is intended to provide accurate plans depicting the physical structures to be placed on the proposed operation.

- a. Single Structure Schematic - Top View
Provide dimensions, materials, labels, etc.
- b. Single Structure Schematic - Cross Section
Provide dimensions, materials, labels, etc.
- c. Maximum Structure Schematic - Top View
Provide dimensions, mooring connections, labels, etc.
- d. Maximum Structure Schematic - Cross Section
Provide dimensions, mooring connections, labels, etc.
- e. On-Site Support Structures
 1. Describe structures such as barges, sheds, etc., to be located on-site. Provide dimensions, drawings, materials, etc.
 2. Describe the storage and use of oil, gasoline or other hazardous material on this facility.
 3. Describe the type and location of any sanitary facility.
- f. Mooring Plan - Cross Section
Provide a schematic and description of materials of the mooring system in place on the sea-floor. Include depths from structure(s) to sea-floor relative to MLW and MHW.
- g. Mooring System Adequacy
Provide a schematic of the mooring array for a structure(s) and a description of its ability to withstand severe storms, surge, equipment break-up, etc. Include dimensions and materials, etc.
- h. Structure(s) and Mooring Array Schematic - Maximum Structure Array
Provide a schematic of the maximum area to be utilized by structure(s) and moorings on the proposed lease.

4. OPERATIONS

- a. Production Activities

1. List and describe your proposed activities including boat traffic, routine schedules, cultivation techniques, monitoring schedule, transport schedule, predator control methods, (net) cleaning and maintenance (methods, frequency and location), harvest schedule, harvest technique and processing methods.
2. Describe the start-up and projected maximum production on a 12-month basis. Also state the maximum stocking density.

5. BASELINE FIELD SURVEY

The MDMR aquaculture lease regulations specify applicants may do more than one site evaluation, but one evaluation must be completed between April 1 and November 15, dates inclusive.

a. Baseline Field Survey

Provide the environmental evaluation used to select the proposed lease tract(s). Descriptive information shall include but not be limited to: bottom characteristics (include but not limited to sediment types, distribution and topography), resident flora and fauna (species are very abundant, common, rare), tide levels, current speed and direction (near top and bottom) etc.

6. AREA RESOURCES

a. Shellfish Beds, Fish Migration Routes and Submerged Vegetation Beds

Provide a description of shellfish beds, fish migration routes and other marine resources in the surrounding area. Provide a map of these resources if available from the local municipality or state agencies.

b. Essential Habitats/Endangered Species

Under the Maine Endangered Species Act a state agency or municipal government shall not permit, license, fund, or carry out projects occurring partly or wholly within an **Essential Habitat** without the approval of the Commissioner of MDIFW. Applicants are strongly encouraged to contact the Environmental Coordinator, Maine Inland Fisheries and Wildlife, 284 State Street, State House Station 41, Augusta, Maine 04333; Telephone (207) 287-3286. Applicants are requested to provide a signed statement to confirm the proposed lease **either** does not fall within the boundary of an Essential Habitat or that the applicant has contacted MDIF&W and by preliminary review MDIF&W will grant approval for the MDMR to issue an aquaculture lease within part or all of the boundary of a designated Essential Habitat.

7. SURROUNDING AREA USE

a. Riparian Property

1. Provide a tax map, chart, or topographic map showing the locations of the lease tract(s), the waters, shorelands and general vicinity of the lease tract(s). Property lines must be clearly marked.
2. List the names and addresses of every riparian owner of land within 1000 feet of the lease tract(s) and the location of their property marked as shown on the map. The map and list of riparian owners must be certified by the tax collector or clerk of the municipality in which the lease tract is located as being an accurate copy of this information as maintained by the municipality.
3. The written permission of every riparian owner whose land to the low mark will actually be used.
4. A description of riparian owner's current use of lease site for purposes of access to riparian owned land.

b. Existing Uses

1. Describe the navigational or other uses of the area(s) by type (recreational, commercial), volume, time (seasonal patterns of use), duration (in the vicinity), direction of traffic, amount of activity, etc.
2. Describe the degree of exclusive use required by the proposed lease and the impact on existing or potential uses of the area. MDMR Aquaculture Regulations require a minimum of 2,000 feet separation from any other finfish lease site unless an exception is granted. MDMR Reg.2.37(3)(December 27, 1988)(hereafter referred to as MDMR Aquaculture Regulations chapter 2.).

8. TECHNICAL CAPABILITY

Provide information regarding professional expertise such as a resume' and documentation of technical expertise and practical experience necessary to accomplish the proposed project.

9. FINANCIAL CAPABILITY

a. Financial Capability

Provide documentation to prove the applicant has the necessary financial resources for the proposed project. MDMR Aquaculture Regulations chapter 2.10(3)(9).

- b. Cost Estimates
Provide documentation of accurate and complete cost estimates of the proposed aquaculture activities.
- c. Other Lease Interests and Multiple Ownership
List all other aquaculture leases held by the applicant or in which the applicant has a financial interest.
- d. Other Lease Interests and Multiple Ownership Continued
If the applicant is a corporation, submit information as requested under A (Corporate Applicants). If the applicant is in a partnership, submit information as requested under B (Partnership Applicant). MDMR Aquaculture Regulations chapter 2.12(1)-(3).

A. Corporate Applicants

- 1. The date and State in which Incorporated and a copy of the Articles of Incorporation;
- 2. The names, addresses, and titles of all officers;
- 3. The names and addresses of all directors;
- 4. Whether the corporation, or any stockholder, director, or officer had applied for an aquaculture lease for Maine lands in the past, and the outcome or current status of that application or lease;
- 5. The names and addresses of all stockholders who own or control at least 5% of the outstanding stock and the percentage of outstanding stock currently owned or controlled by each such stockholder;
- 6. The names and addresses of stockholders, directors, or officers owning an interest, either directly or beneficially, in any other Maine aquaculture leases, as well as the quantity of acreage from existing aquaculture leases attributed to each such person under MDMR Aquaculture Regulations chapter 2.12(3);
- 7. Whether the corporation or any officer, director, or shareholder listed in item 5 above has ever been arrested, indicted, convicted of, or adjudicated to be responsible for any violation of any marine resources or environmental protection law, whether state or federal.

B. Partnership Applicant

- 1. The date and state in which the partnership was formed and a copy of either the Certificate of Limited Partnership or documentation of the formation of a General Partnership;
- 2. The names, addresses, and ownership shares of all partners;

3. Whether the partnership or any partner has applied for an aquaculture lease for Maine lands in the past and the outcome or current status of that application or lease;
4. Whether the partnership or any partner owns an interest, either directly or beneficially, in any other Maine aquaculture leases as well as the quantity of acreage from existing aquaculture leases attributed to the partnership or partner under MDMR Aquaculture Regulations chapter 2.12(3);
5. Whether the partnership or any partner has been arrested, indicted or convicted of or adjudicated to be responsible for any violation of marine resources or environmental protection law, whether State or Federal.

10. OTHER REQUIREMENTS

The following items must accompany the application:

a. **Performance Bond**

Documentation confirming that the applicant has read MDMR Aquaculture Regulations chapter 2.40 and that upon issuance of a lease by the MDMR the lessee will either open an escrow account or obtain a performance bond determined by the nature of the aquaculture activities proposed as follows -

Suspended Culture\$5000.00.